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In re Application of :
CRUICKSHANK *et al* :
Application No.: 09/554, 426 : DECISION ON PETITION
PCT No.: PCT/GB98/03401 :
Int. Filing Date: 12 November 1998 : TO WITHDRAW HOLDING
Priority Date: 14 November 1997 :
Attorney's Docket No.: CRUICKSHANK ET AL :
For: COMMUNICATIONS TERMINAL AND : OF ABANDONMENT
OPERATING METHOD :
:

The decision is in response to applicants' "Resubmission of Response to Notification of Missing Requirements and Request for Reinstatement of Application" filed on 04 June 2001. This is treated as a petition to withdraw the holding of abandonment. No fee is required.

BACKGROUND

On 22 June 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) & (b) must be provided. A one-month time period for response was set.

On 24 July 2000, applicants purportedly filed documents in the above-captioned application which included an executed declaration.

On 29 May 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 within the time period set.

On 04 June 2001, applicants filed the instant petition via facsimile which was accompanied by, *inter alia*, copies of the documents purportedly filed 24 July 2000, a stamped postcard receipt for the 24 July 2000 documents, along with a copy of Express Mail label No. EL1824470981US.

DISCUSSION

MPEP § 503 lists procedures to ensure receipt of any paper filed in the PTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed.

The PTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

In this case, applicants have provided a copy of the date-stamped filing receipt for documents submitted 24 July 2000. The filing receipt records that a "Combined Declaration and Power of Attorney" were received in the PTO. The filing receipt is stamped "OIPE JUL 24 2000" across its face. The name of the applicant, international application number, and title are all listed on the postcard receipt. In addition, applicants included a copy of Express Mail label No. EL1824470981US which has a "Date In" of "7 24 00" and is stamped as received by the USPS on "JUL 24 2000." The Express Mail No. is listed on the transmittal letter for the 24 July 2000 documents.

Accordingly, applicants have provided *prima facie* evidence that the declaration and other documents listed above were received by the PTO on 24 July 2000.

DECISION

For the reasons above, applicant's petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 29 May 2001 is hereby **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 November 1998, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **24 July 2000**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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